

HOUSE BILL No. 1691

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-9.

Synopsis: Sexual misconduct with a minor. Changes the offense of sexual misconduct with a minor to: (1) cover victims who are at least 14 years of age but less than 18 years of age (current law applies to victims at least 14 years of age but less than 16 years of age); and (2) remove the minimum age requirement for alleged offenders (current law applies only to alleged offenders who are at least 18 years of age).

Effective: July 1, 2005.

Turner, Budak, Welch

January 19, 2005, read first time and referred to Committee on Courts and Criminal Code.

C
o
p
y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1691

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-4-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) A person ~~at least~~
3 ~~eighteen (18) years of age~~ who, with a child at least fourteen (14) years
4 of age but less than ~~sixteen (16)~~ **eighteen (18)** years of age, performs
5 or submits to sexual intercourse or deviate sexual conduct commits
6 sexual misconduct with a minor, a Class C felony. However, the
7 offense is:

8 (1) a Class B felony if it is committed by a person at least
9 twenty-one (21) years of age; and

10 (2) a Class A felony if it is committed by using or threatening the
11 use of deadly force, if it is committed while armed with a deadly
12 weapon, if it results in serious bodily injury, or if the commission
13 of the offense is facilitated by furnishing the victim, without the
14 victim's knowledge, with a drug (as defined in IC 16-42-19-2(1))
15 or a controlled substance (as defined in IC 35-48-1-9) or knowing
16 that the victim was furnished with the drug or controlled
17 substance without the victim's knowledge.



C
o
p
y

(b) A person at least ~~eighteen (18)~~ years of age who, with a child at least fourteen (14) years of age but less than ~~sixteen (16)~~ **eighteen (18)** years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Class D felony. However, the offense is:

(1) a Class C felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a Class B felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was at least ~~sixteen (16)~~ **eighteen (18)** years of age at the time of the conduct. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

(d) It is a defense that the child is or has ever been married. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

SECTION 2. [EFFECTIVE JULY 1, 2005] IC 35-42-4-9, as amended by this act, applies only to offenses committed after June 30, 2005.

**C
o
p
y**

